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FILED & SERVED ELECTRONICALLY

Honorable Cathy L. Waldor, U.S.M.J.
United States District Court
District of New Jersey
50 Walnut Street
Newark, New Jersey 07102

Re: The Medicines Company v. Eagle Pharmaceuticals, Inc. *et al.*
2:16-cv-00569-SRC-CLW

Dear Judge Waldor:

As Your Honor knows, we represent Plaintiff, The Medicines Company, in the above-referenced action. We are writing regarding the Rule 16 initial conference currently scheduled before Your Honor at 4:00 PM on June 28, 2016.

Weeks ago, we provided a draft joint discovery plan (JDP) to counsel for Defendants, Latham and Watkins ("Latham"). While we had one general conversation with Latham regarding our respective views on how the case should proceed, Latham has not provided any proposed edits to the JDP, and our repeated efforts to schedule follow-up calls regarding the JDP have gone unanswered. And, today is the deadline to submit to Your Honor the JDP.

In fairness to Latham, Greenberg Traurig withdrew as counsel on Tuesday evening and we understand that Defendants are in the process of engaging substitute New Jersey counsel. And so, as a professional courtesy, we offered to Latham this morning not to oppose any request Defendants might wish to make to adjourn for a week or two Tuesday's Rule 16 conference, subject of course to Your Honor's approval and schedule. And, Latham gratefully accepted our offer. However, we advised Latham that Defendants should advise the Court as soon as possible today of their adjournment request, given the JDP deadline today and the initial conference scheduled on Tuesday.

As of 4:30pm, we have not seen anything on the docket from Latham. Therefore, we thought it would be best for us to write and advise Your Honor of these recent developments. We continue to assume that Latham will be contacting the Court shortly.

We thank Your Honor for your courtesy and attention to this matter.

Respectfully,

s/ David E. De Lorenzi
David E. De Lorenzi

cc: All Counsel of Record via Email